

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerrard M. Carlson et al.

Examiner: George R. Evanisko

Serial No.: 10/726,062

Group Art Unit: 3762

Filed: December 2, 2003

Docket: 279.317US2

Title: CARDIAC RHYTHM MANAGEMENT SYSTEM USING TIME-DOMAIN
HEART RATE VARIABILITY INDICIA

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Suneel Arora, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on December 2, 2003. I am making this petition on behalf of Cardiac Pacemakers, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Cardiac Pacemakers, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/726,062) and to U.S. Patent No. 6,748,272. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Patent No. 6,748,272 was recorded on September 24, 2001 on Reel 012191, Frames 0175-0178 with the United States Patent and Trademark Office. The assignment for U.S. Serial No. 10/726,062 was recorded on July 9, 2001 on Reel 011965, Frames 0006-0009 with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 10/726,062) is a continuation of U.S. Patent No. 6,678,547. U.S. Patent No. 6,748,272 is a continuation-in-part of U.S. Patent No. 6,678,547.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Cardiac Pacemakers, Inc., seeking to take the action set forth in this disclaimer.

TERMINAL DISCLAIMER

Serial Number: 10/726,062

Filing Date: December 2, 2003

Title: CARDIAC RHYTHM MANAGEMENT SYSTEM USING TIME-DOMAIN HEART RATE VARIABILITY INDICIA

Page 2
Dkt: 279.317US2Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,748,272. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,748,272 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,748,272 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

TERMINAL DISCLAIMER

Serial Number: 10/726,062
Filing Date: December 2, 2003
Title: CARDIAC RHYTHM MANAGEMENT SYSTEM USING TIME-DOMAIN HEART RATE VARIABILITY INDICIA

Page 3
Dkt: 279.317US2

Fee Status

Please charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GERRARD M. CARLSON ET AL.

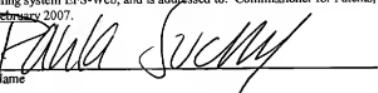
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH,
P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6951

Date February 21, 2007 By _____


Suneel Arora
Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of February 2007.

Name 

Signature 